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TO ESTABLISH A SYSTEM

OF EDUCATION

IN THE

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PROVINCE OF MANITOBA,

WITH ITS AMENDMENTS.



PUBLISHED BY AUTHORITY.

WINNIPEG, MANITOBA.
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1876.

CAP. XII.

An Act to establish a system of Education in this Province.

[Assented to 3rd May, 1871.]

HER MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows :

I. The Lieutenant-Governor in Council may appoint not less than ten nor more than fourteen persons to be a Board of Education for the Province of Manitoba, of whom one-half shall be Protestants and the other half Catholics.

II. The Lieutenant-Governor in Council may appoint one of the Protestant Members of the Board to be Superintendent of Protestant Schools, and one of the Catholic Members to be Superintendent of Catholic Schools, and the two Superintendents shall be joint Secretaries of the Board.

III. The Board shall be first called together at a time and place to be named by the Lieutenant-Governor in Council, and shall be organized by the selection of one of the Members to be Chairman of the Board.

IV. The Quorum of the Board shall not be less than seven.

V. The Board shall make regulations for the calling of meetings from time to time, and prescribe the notices thereof to be given to Members.

VI. At any regularly called meeting, attended by a quorum, the members present, in the absence of the Chairman, may select a Chairman temporarily, from those present, who shall preside for that meeting.

VII. It shall be the duty of the Board :

First. To make, from time to time, such regulations as they may think fit for the general organization of the Common Schools.

Secondly. To select Books, Maps and Globes to be used in the Common Schools, due regard being had in such selections to the choice of English Books, Maps and Globes for the English Schools and French for the French Schools, but the authority hereby given is not to extend to the selection of Books having reference to Religion or Morals, the selection of such Books being regulated by a subsequent clause of this Act.

Thirdly. To alter and sub-divide, with the sanction of the Lieutenant-Governor in Council, any School District established by this Act.

VIII. Each section of the Board may meet at any time after the organization of the whole Board, that may be indicated to the Secretary of the Section by any two Members of the Section.

IX. At the first meeting of each Section, they shall choose a Chairman. The Superintendent of Education of the Section shall be the Secretary.

X. Each Section shall have under its control and management the discipline of the Schools of the Section.

XI. It shall make Rules and Regulations for the examination, grading and licensing of Teachers, and for the withdrawal of licenses on sufficient cases.

XII. It shall prescribe such of the Books to be used in the Schools of the Section as have reference to Religion or Morals.

XIII. From the sum appropriated by the Legislature for Common School Education there shall first be paid the incidental expenses of the Board and of the Sections, and such sum for the services of the Superintendents of Education, not exceeding \$100 to each, as the Lieutenant-Governor in Council shall deem just, and the residue then remaining shall be appropriated to the support and maintenance of Common Schools, one

moiety thereof to the support of Protestant Schools, the other moiety to the support of the Catholic Schools.

XIV. Each electoral division, with the lines as fixed by the Lieutenant-Governor in Council, and as amended by any Act of this session, shall in the first instance be considered a School District.

XV. The following Districts, comprising mainly a Protestant population, shall be considered Protestant School Districts : Nos. 2, 3, 4, 8, 10, 18, 19, 20, 21, 22, 23, 24.

XVI. The following Districts, comprising mainly a Catholic population, shall be considered Catholic School Districts : Nos. 1, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16 and 17.

XVII. There shall not, without the special sanction of the Section, be more than one School in any School District, and no School shall derive from the Public Funds a sum more than three times what is contributed by the people of the District ; nor unless the average attendance at the School shall be fifteen Scholars.

XVIII. The monies at the disposal of the Section shall be appropriated among the Schools of the Section as the members of the Section shall deem best for the promotion of Education, having reference to the efficiency of the Schools, the number of scholars in attendance, and the capacity and services of the Teachers.

XIX. In an exceptional case, where the people of a School District shall, in the judgment of the members of the Section, be unable to contribute towards the support of a School, the Section may declare the District a Poor-School District, and give such aid as the circumstances may seem to justify.

XX. On the first Monday of February in each year after the passing of this Act, beginning with the year 1872, a meeting of the male inhabitants of each School District, of the age of twenty-one years and upwards, shall be called by the Superintendent of the Section to which the District belongs, by notice posted by him in public places in the District.

XXI. For the present year the meeting shall be called, after the passing of the Act, on a day to be fixed by the Lieutenant-Governor in Council.

XXII. At such meeting the majority shall choose three persons to be School Trustees for the District.

XXIII. They shall also decide in what manner they shall raise their contributions towards the support of the School, which may be either by subscription, by the collection of a rate per scholar, or by assessment on the property of the School District, as the meeting may determine.

XXIV. Such meeting, or any other meeting called by the Secretary of the Section, may decide by a majority to erect a School-House and vote a sum of money therefor, which, if the meeting so decide, shall be raised by assessment.

XXV. Any School-House, erected under this Act, must be upon a plan and of dimensions to be approved by the Board of Education.

XXVI. The Trustees may engage a Teacher for the School, but they shall not be at liberty to employ any person who has not been examined and licensed by the Section to which the School belongs.

XXVII. In case the father or guardian of a school-child shall be a Protestant in a Catholic School District, or a Catholic in a Protestant School District, he may send the child to the School of the nearest District of the other Section, and in case he contribute to the School which the child shall attend a sum equal to what he would have been bound to pay if he had belonged to that District, he shall be exempt from payment to the School of the District in which he lives.

CAP. XXIII.

An Act to amend Chapter 12 of the Acts of Manitoba, intituled: "An Act to establish a system of Education in this Province."

[Assented to 21st February, 1872.]

HER MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows:

I. In any case where it may be made to appear to the Lieutenant-Governor in Council that the meeting of any School District authorized under the Twentieth (20th) Section of the Act hereby amended has not been held on the first Monday of February last past, agreeably to the provisions of the said Act, it shall be lawful for the Lieutenant-Governor in Council to name another day for the holding of such meeting in such School District, at which time the meeting may take place, and exercise the same power and privileges as if held on the first Monday of February last.

CAP. XXII.

An Act to amend the Act to establish a system of Education in this Province.

[Assented to 8th March, 1873.]

HER MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows :

I. It shall be the duty of the Board of Education :

(1.) To alter and subdivide, with the sanction of the Lieutenant-Governor in Council, any School District established by this Act, and where necessary, and with the same sanction, to erect new School Districts; due attention being given by the Board in every case to the petition of at least two-thirds of the ratepayers concerned; and in case such petition is refused, an appeal may be had to the Lieutenant-Governor in Council.

(2.) To make regulations for the registering and reporting of daily attendance at all the Common Schools in the Province, subject to the approval of the Lieutenant-Governor in Council.

II. It shall be the duty of each Section of the Board :

(1.) To have under its control and management the Schools of the Section, and to make from time to time such regulations as may be deemed fit for their general government and discipline, and for carrying out the provisions of this Act.

(2.) To arrange for the proper examination, grading and licensing of its teachers, and for the withdrawing of the license on sufficient cause.

(3.) To select all the books, maps and globes to be used in its Schools, and to approve of plans and dimensions for the erection of School-houses under its control ;

Provided always that, in the case of books having reference to Religion and Morals, such selection, by the Catholic section of the Board shall be subject to the approval of the competent religious authority.

III. In an exceptional case where the people of a School District, or of an isolated Settlement, shall in the judgment of the members of the Sectional Board be unable to contribute towards the support of a School, the Section may give such aid as the circumstances may seem to justify.

IV. The sum appropriated by the Legislature for Common School purposes shall be divided between the Protestant and Roman Catholic Sections of the Board in proportion to the aggregate of the average attendance at all the Schools under the jurisdiction of each Section during the preceding year, according to the printed reports of the Superintendent for each Section for the said year.

V. From the sum so appropriated to each Section there shall first be paid the incidental expenses of each said Section, and such sums to the Superintendents of Education, not exceeding six hundred dollars, as the Lieutenant-Governor in Council may deem just; and the residue then remaining shall be apportioned to the support and maintenance of their respective Common Schools; Provided, however, that each section of the Board may reserve for unforeseen contingencies, or general school purposes, a sum not exceeding ten per cent. of its share of the appropriation.

VI. Any number of persons, not less than five, or any smaller number having fifteen children to send to School, being heads of families and ratepayers residing within any School District, and being of a different religion from the majority of persons in their District, *i. e.*, being Roman Catholics in a Protestant School District, or Protestants in a Roman Catholic School District, may convene a meeting and petition for a Separate School which, if it be granted, shall be conducted precisely as if it were a School District.

VII. The religion of the majority of ratepayers in any School District shall determine the designation of the

District as Protestant or Roman Catholic, and any School dissenting from this shall be termed a Separate School.

VIII. Any ratepayer who is not attached to any denomination shall declare what School he intends to support.

IX. The Trustees of Dissentient or Separate Schools shall alone have the right of fixing and collecting the assessments to be levied on the inhabitants so dissentient: Provided, however, that whilst the Trustees of the regular District School shall alone have the right of assessing corporations or incorporate bodies within their respective districts, yet that out of such assessment they shall give to the Trustees of any dissentient school, a part of such assessment in proportion to the attendance of children at their respective schools.

X. All Separate or Dissentient Schools shall be entitled to their share of Government money, to be awarded on the principles above named.

XI. The parents of Catholic children attending a Catholic School shall be assessed for the benefit of that School; and the parents of Protestant children attending a Protestant School shall be assessed for the benefit of the Protestant School.

XII. When a Protestant child shall reside in a District where there is no Protestant School, or a Catholic child in a District where there is no Catholic School, the parents or guardians of such child may send such child to another Protestant or Catholic District as the case may be, according to the religion of the child, and shall pay such assessment as shall be due to that school and not to any other.

XIII. Individuals of the Dissentient minority shall not be elected or serve as School Trustees, nor vote at the election of the School Trustees of the District; and in like manner the individuals of the majority shall not be elected or serve as School Trustees, nor vote at the election of the Separate School.

XIV. The Trustees of the Separate School shall cons-

stitute their own Corporation independently of the regular School District, and shall have the same rights, and shall be subject to the same duties and penalties as the School Trustees of the District, in respect of the collection and application of the moneys by them received, of the rendering and examination of their accounts, and of all matters whatever in reference thereto, and be removed and others appointed by the Lieutenant-Governor in Council, in all those cases in which School Trustees are liable to be so dealt with.

XV. At the yearly meeting of the male inhabitants of each School District, as provided by 34 Vic. Chap. 12, Clause 29, of the Statutes of this Province, such meeting being duly organized by the election of a Chairman and Secretary, the majority shall choose three persons to be School Trustees for that District.

XVI. No person shall be eligible to be elected or to serve as School Trustee who is not a resident ratepayer in the School District for which he is elected.

THE TRUSTEES—THEIR DUTIES.

XVII. The Trustees elected under this and former Acts shall continue in office respectively as follows :

(1.) The first person elected shall continue in office for *three* years from the date of his election, and until his successor has been appointed.

(2.) The second person elected shall continue in office for *two* years from the date of his election, and until his successor has been appointed.

(3.) The third or last person elected shall continue in office for *one* year from the date of his election, and until his successor has been appointed: Provided, however, that the provisions contained in the three preceding sub-sections, shall not have any effect with regard to any Trustee or Trustees elected previous to the passing of this Act.

XVIII. It is further enacted that no act or proceeding of a School Corporation shall be deemed valid or binding on any party which is not adopted at a regular

or special meeting of the Corporation, of which notice shall have been given by one of their body chosen to act as Secretary-Treasurer, to all the Trustees, by furnishing them with a written notice, and the proceedings of such meeting shall be entered in a book of the Corporation kept for that purpose and signed by the senior or presiding Trustee : Provided that a majority of the Trustees at a meeting thus called shall have full authority to perform any lawful business.

XIX. The School Trustees in each School District shall be a Corporation under the name of the School Trustees for the School District of _____, in the County of _____ ; they shall have perpetual succession and a common seal, if they think proper to have one ; they may sue and be sued, and shall generally have the same powers which any other body politic or corporate has, or ought to have, with regard to the purposes for which it is constituted.

XX. It shall not be lawful for any Trustee to enter into a contract with the Corporation of which he is a member, or to have any pecuniary claim on such Corporation, except for a school site, or as a collector of school rates, and then only when he shall have been appointed by the other two members of the Corporation.

XXI. It shall be the duty of each Corporation or Board of Trustees :

(1.) To take possession and have the custody and safe-keeping of all common school property which has been acquired or given for common school purposes under the Act, in their District, and such Corporation shall be empowered to acquire and hold, as a Corporation, by any title whatsoever any land, moveable property, moneys or income for School purposes, and to apply the same according to the terms on which the same were acquired or received, but they shall not, without the sanction of the section to which they belong have power to alienate or dispose of any School property.

(2.) To do whatever they may judge expedient with regard to building, repairing, renting, warming, fur-

nishing and keeping in order the School-house or School-houses in their district, its furniture and appendages, and the School land and enclosures held by them, and for procuring apparatus and school-books for their School, and when there is no suitable School-house belonging to the district, or when a second School-house is required, then to rent, repair, furnish, warm, and keep in order a house and its appendages to be used as a School-house.

(3.) To contract with, and employ Teachers who hold certificates from that Section of the Board through whom they received the Government Grant ; but such contract must be in writing and signed by all the contracting parties.

(4.) The Trustees of any School recognized under this Act shall have power to provide for the salaries of Teachers and all other expenses of the School in such manner as may be desired by a majority of the freeholders and householders of such Section at the annual School meeting, or at a special meeting called for that purpose by the Superintendent, and to employ all lawful means to collect the sums required for such salaries and other expenses ; and should the sum thus provided be insufficient to defray all the expenses of such School, the Trustees may assess and cause to be collected an additional rate, in order to pay the balance of the Teacher's salary and other expenses of such School.

(5.) One or more of the Trustees shall visit the School once a month for the purpose of seeing that it is conducted according to the authorized regulations : he or they shall, if necessary, make any suggestions in accordance with the said regulations, with a view to the more efficient working of the School, and should the Teacher fail to act upon them, the matter shall be referred to the whole body of Trustees, who shall report it to their Superintendent.

(6.) To see that the discipline of the School is properly enforced : at duly called meetings of the Board of Trustees to expel unmanageable pupils on the complaint of the Teacher : to deal with complaints and appeals from parents or the Teacher : and it shall be

the duty of any Trustee to whom any complaint is made, to cause a meeting of the Trustees to be called for its investigation.

LOAN OF MONEY FOR BUILDING SCHOOL HOUSES—
EXCESSIVE ASSESSMENT—APPEAL.

(7.) To keep registers of their proceedings, signed for each sitting by the Chairman and Secretary ; and also correct accounts of their receipts and expenditures, with reference to the Schools in each District under their control, mentioning specially what relates to each School ; and such account shall be open to all persons contributing to the support of the Schools at all reasonable hours.

XXII. The Lieutenant-Governor in Council may grant to the Trustees of any School District, on their application, authority to borrow any sums of money necessary for the purposes of the purchase or erection of School sites, School-houses and their appendages, or for the purchase or erection of a Teacher's residence ; and in that event such Trustees shall, subject to the sanction of the ratepayers of the District, cause to be levied in each year upon the taxable property in the Section a sufficient sum for the payment of the interest on the sum so borrowed, and a sum sufficient to pay off the principal within ten years.

XXIII. In any case where any sum of money was heretofore, or shall be hereafter assessed for any School purpose, the same may be collected by the Secretary-Treasurer of the School Trustees : Provided, always, however, that any person or persons who may complain that such assessment, heretofore or to be hereafter made, is not fair and just, as regards them or any of them, shall have the right within twenty days after a demand is made for the payment of any such assessment on behalf of any School Trustees to apply by Petition to a Judge of the Court of Queen's Bench or County Court, to revise and reduce such assessment, and such person shall cause a copy of such Petition to be served on one or more of the said Trustees, together with a notice that on the day to be named therein, at least ten days subsequent to the day of such service, the same will be presented to a Judge who shall, upon

hearing the evidence, decide summarily in the matter as he shall think right, and provided, further, that no assessment shall during the present year be imposed and collected for the purpose of repairing, building or completing any School-house except in the manner provided by this Act :

(1.) The School Trustees shall cause to be made by their Secretary-Treasurer, between the first day of September in each year and the first day of October, a census of the children in their respective School District, making a distinction between those of five and sixteen years of age, and those of seven and fourteen years of age, and mentioning those who attend the School ; and such census shall be transmitted to the Lieutenant-Governor within ten days after the said census is completed.

XXIV. At the Annual School Meeting aforementioned, the majority of the Ratepayers present shall decide upon the amount of money which shall be raised in their school district for common school purposes, to supplement the Government Grant for the ensuing year : but such sum shall, in every case, be raised by assessment on the real and personal property of the school district : and Provided always that no rate shall be levied for the building, repairing or improving a School-house, to exceed in any one year one thousand dollars.

XXV. All the above mentioned provisions shall apply to separate Schools, except as regards the following matters :

(1.) Dissentients shall have no power to vote or to serve as Trustees or be connected in any way whatever with the regular District School and *vice versa*.

(2.) They shall not be liable to be assessed for the support of any but their Separate School.

(3.) The Clerk of the Peace for the County within which a Separate School is established, having possession of the Assessor's Roll for the School District, shall allow any one of the Trustees of the Separate School, or their authorized Collector, to make a copy of such

Roll in so far as it relates to the persons supporting the Separate School under their charge.

CONTESTATIONS OF ELECTIONS.

XXVI. All contestations with regard to the election of School Trustees, and to the functions and powers assumed by School Trustees, or any of them, or their officers, or by any persons claiming to be such Trustees or officers, may, by any person having authority as visitors or otherwise over the Schools in the locality, or by any person assessed for their support, be brought by a petition setting forth the case, of which a copy must have been served on the parties concerned before the County Court, at its next sitting, and shall there be determined in a summary manner on the evidence adduced.

XXVII. Any School Trustee whose election has been obtained by fraud, or stratagem, or by the votes of persons not qualified as electors, or any person usurping the function of School Trustee, or illegally holding that office, may be summarily prosecuted at the instance of any party interested, or several collectively interested, before any one of the Judges of the County Court of the County in which such election, usurpation, or illegal detention of office, has taken place for the purpose of declaring such election or such detention of office illegal, and such seat vacant.

XXVIII. No School Trustee shall be re-elected except by his own consent during the four years next after his going out of office.

XXIX. The Chairman of any general meeting for the election of School Trustees shall, within eight days after, report the proceedings thereat to the Superintendent of Education of his own Section, and transmit to him a list of the persons elected thereat as Commissioners, under a penalty of five dollars.

XXX. For the School Districts in which no election of School Trustees has been had within the time hereby prescribed, the Superintendent of Education for the Section to which such School District belongs shall, *ex-officio*, upon an order from the Lieutenant-Governor

in Council, appoint them, and also a Secretary-Treasurer subject to the provisions in the next following Section.

XXXI. Within fifteen days after the time when any such election ought to have been had, the School Trustee for the then last year, three of the school visitors and the clergyman or minister of the most numerous congregation may meet and submit to the proper Superintendent of Education, the names of so many persons as Commissioners as are provided by this Act; and on the approval of the said Superintendent, signified to the Chairman of such meeting, such person shall become School Trustee for the purposes of this Act.

XXXII. If any vacancy happens among the School Trustees by reasons of permanent absence from the School District, death or incapacity from sickness of any Trustee, another shall be elected in his stead by the electors for the locality, at a meeting called for that purpose by the Chairman, or temporary Chairman of the School Trustees, and at which he himself, or in his absence one of the other School Trustees by him named, shall preside.

XXXIII. Whenever, on the occurrence of a vacancy in the office of School Trustee, in the case provided for by the next preceding Section, the election of another person to the said office has not taken place within one month after the occurrence of such vacancy, the Lieutenant-Governor in Council may fill such vacancy.

XXXIV. In all cases of incapacity arising from sickness, no election or appointment to fill the said office shall take place, unless the said incapacity has been established by the certificate of a physician deposited with the Secretary-Treasurer, and the vacancy arising from such incapacity, shall date from the day of the deposit of such certificate.

CORPORATE RIGHTS OF THE TRUSTEES.

XXXV. No School Trustee shall be a Teacher of any School in his School District.

XXXVI. At a meeting of School Trustees, all ques-

tions shall be decided by the majority of votes; and when the votes upon any question are equal on both sides, without the vote of the Chairman, then, and in that case only, the Chairman may give his vote, but in no other case shall the Chairman vote.

XXXVII. The School Trustees shall meet on the first Monday after their appointment or after notice of their election, for the purpose of choosing a Chairman and a Secretary-Treasurer; and in case of the absence, whether permanent or temporary, of the Chairman, the Assembled School Trustees shall name one of themselves as Chairman for the time being, who shall then be vested with the same powers and privileges as the ordinary Chairman.

XXXVIII. The duties of such Secretary-Treasurer shall include :

(1.) The correct and safe keeping, and producing (when called for) of the papers and moneys belonging to the Corporation.

(2.) The correct keeping of a record of all their proceedings in a book procured for that purpose.

(3.) The collecting, receiving and accounting for, of all School moneys, whether from the Government or otherwise, for the purpose of School Education within their District, and the distributing of such moneys in the manner directed by the majority of the Trustees.

(4.) Every Secretary-Treasurer shall, before entering upon his duties as such, give security to the School Trustees by a bond signed and acknowledged before a Justice of the Peace.

(5.) The said security shall be given by at least two solvent sureties jointly and severally to the satisfaction of the Chairman of the School Trustee or Trustees, and for the total amount of the moneys for which the Secretary-Treasurer may at any time be responsible, whether arising from the Local School Fund, or from any particular contribution or donations paid into his hand for the support of schools, or from the School

Fund, and such security shall be renewed whenever its renewal is required by the School Trustees.

XXXIX. Every such Secretary-Treasurer shall, annually, in the first week of the month of January, prepare and submit to the School Trustees, a detailed statement of the receipts and expenditure of the School District for the year expired on the thirtieth day of December immediately preceding; such statement, after being approved by the School Trustees, shall be by them submitted at a public meeting of the ratepayers of the School District convened in the month of February in the manner prescribed for convening meetings for the election of School Trustees, and a fair copy of such statement certified and signed by the Secretary-Treasurer, shall be by him affixed at the door of the church, or principal place of worship in the School District, before the hour of nine of the clock in the forenoon of the Sunday next after such meeting, and the Secretary-Treasurer shall, on the payment to him of the sum of one dollar, furnish to any ratepayer a copy of such statement.

XL. The remuneration of the Secretary-Treasurer may, in the discretion of the School Trustees, be fixed at any amount not exceeding ten per cent. on the moneys received by him in such capacity; but such remuneration shall include every service which the Trustees may require from time to time from the Secretary-Treasurer, and shall cover all contingent expenses whatever; except such as may be specially authorized by rules and regulations to be made by the Section Board, and shall not exceed one hundred and fifty dollars in one year in any case.

WITH RESPECT TO ASSESSMENTS AND RATES.

XLI. The School Assessment shall be laid equally according to valuation upon rateable real and personal property in the School District, and shall be payable by and recoverable from the owner, occupant and possessor of the property liable to be rated, and shall, if not paid, be a special mortgage bearing charge (*hypothèque*), and not requiring registration to preserve it on all real property.

XLII. All buildings set apart for purposes of Education or for religious worship, parsonage houses, and all charitable institutions or hospitals, and the ground or land on which such buildings are erected, and also all burial grounds not being in all more than twenty acres, shall be exempt from all rates imposed for the purposes of this Act:

(1.) When no assessment roll has been made by the Clerk of the Peace under the 34 Victoria, chapter 34, of the Statutes of this Province, the School Trustees shall within twenty days after the annual meeting of the ratepayers appoint one Assessor, being a resident ratepayer, whose duties shall be the same as if appointed by the County Grand Jurors.

(2.) Before entering upon the discharge of his duties, such Assessor shall be sworn before a Justice of the Peace, and shall, within two weeks after his appointment, proceed to make out an assessment roll of the rateable property of each ratepayer in their respective School Districts, and shall complete such assessment within four weeks, and shall deliver the same into the hands of the Secretary-Treasurer of the School Trustees.

(3.) The School Trustees shall apportion rateably the School assessment voted at the annual or at the special meeting duly called (*as the case may be*) of the ratepayers, among the parties named in the roll according to the valuation of their property. The Secretary-Treasurer shall then forthwith apply to a Justice of the Peace for, and the Justice of the Peace shall forthwith issue, a warrant directing such Secretary-Treasurer to collect from each person named in the assessment roll the amount payable by him.

(4.) The Secretary-Treasurer shall within two months after receiving the warrant make a return thereon to the School Trustees under oath before any Justice of the Peace, and he shall specify in his return the several persons who have paid their rates and also the persons whose rates remain unpaid. Such remuneration shall be paid to the assessors as shall seem fit to the School Trustees.

(5.) Any Justice of the Peace, Assessor, Constable or

other officer neglecting or refusing to discharge any duty assigned to him by the six above-mentioned provisions of this Act, shall be liable to a penalty for each offence of fifty dollars, to be collected before any Court having competent jurisdiction.

SUITS AND PROSECUTIONS—FINES AND PENALTIES.

XLIII. The School Trustees of any School District may institute suits or prosecutions for the Assessments for Schools or School Houses, and for the monthly School fees, and for all arrears of the said assessment or monthly fees; and all such suits or prosecutions may be instituted before the County Court, but not before any other tribunal.

XLIV. In all such suits or prosecutions judgment may be rendered with costs; and no judgment rendered on any such suit or prosecution shall be liable to be appealed from, nor shall any such suit or prosecution be removed by Writ of *certiorari*.

XLV. The Chairman of any Board of School Trustees shall not engage in any suit at law, as plaintiff, without a special authorization from the Trustees duly entered in the registers, after deliberation, and every action may be brought either by the Chairman or by the Secretary-Treasurer, in the name of the Corporation, at the discretion of the Board.

XLVI. The amount of every penalty so levied shall be paid into the hands of the Secretary-Treasurer of the Corporation of School Trustees by which or in favor of which the prosecution has been instituted, and of the locality in which the offence has been committed, and shall make part of said Corporation fund.

XLVII. All persons entrusted in any manner with carrying this Act into effect, or qualified to vote at the election of School Trustees, shall be competent to prosecute for the recovery of such penalties.

XLVIII. Whenever any School Trustee, or Secretary-Treasurer, after his dismissal, resignation, or ceasing to hold office, detains any book, paper, or thing belonging to the School Trustees of any School, he shall

thereby incur a penalty of not less than five dollars, nor more than twenty dollars, for each day during which he shall retain possession of any such book, paper or thing, after having received a notice from his Superintendent of Education requiring him to deposit the same in the hands of some person mentioned in such notice; and the said penalty shall be recoverable with costs before any Court of competent civil jurisdiction in the name of the proper Superintendent of Education, and the same when levied shall be paid in to the hands of the said Superintendent, and shall form part of the unexpended balance of the Sectional School Board Fund and dealt with accordingly.

TEACHERS.

XLIX. It shall be the duty of every Teacher employed under either of the Sections of the Board of Education :

(1.) To observe faithfully the By-laws and Regulations that may from time to time be issued by the Section of the Board to which he is subject.

(2.) To keep a Visitors' Book which the Trustees shall provide, and enter therein the visits made to the School, and to present such book to each authorized visitor and request him to make therein any remarks suggested by his visit.

(3.) At all times, when desired by them to give the Trustees and authorized visitors access to the registers and visitors' book appertaining to the School, and upon his leaving the School to deliver up the same to the order of the Trustees.

MISCELLANEOUS PROVISIONS.

L. The visitors in each School District may be :

(1.) The resident priest or minister or clergy of whatever denomination : Provided always that such priest or minister or ecclesiastic shall only have the right to visit Schools being under the jurisdiction of the section, whether Protestant or Catholic, to which such priest, minister or ecclesiastic may belong.

(2.) The members of the Provincial Legislature.

(3.) The Judges of the Court of Queen's Bench and County Courts.

(4.) The members of each Section of the Board in their respective Schools.

(5.) The Trustees of each School District in their own District.

LI. The quorum of any Corporation Board, or body constituted under this Act, shall (unless expressly declared) be an absolute majority of all members thereof, and any majority of the members present at any meeting regularly held, at which there shall be a quorum, may validly exercise all the powers of the Corporation.

LII. Whenever School Trustees are appointed by the Lieutenant-Governor in Council, the School Trustees previously in office shall, from the date of such appointment, cease to possess any power, or to act as such, as shall also all assessors, collectors, or other officers appointed by or acting under them.

LIII. And the Lieutenant-Governor in Council may at all times, and as often as he deems it necessary so to do, annul the appointment of Trustees so by him made, and that of the other officers acting under them.

INTERPRETATION.

LIV. In this Act the word "Teacher" shall apply to female as well as male teachers. Any power given to, or any obligation imposed upon School Trustees, shall apply to Trustees of the Dissident School in reference to the Schools and School Districts in their control.

LV. All former provisions inconsistent with this Act are hereby repealed.

LVI. This Act may be cited as "the Amended School Act."

CAP. XXVII.

An Act further to amend the Act to establish a system of Education in this Province.

[Assented to 14th May, 1875.]

Whereas it is expedient and necessary to amend the Act to establish a system of Education in this Province, with the view of dealing justly in connection therewith, with all classes of the population of the Province ;

HER MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows :

I. Within six months after the passing of this Act, the Lieutenant-Governor in Council shall appoint, to form and constitute the Board of Education for the Province of Manitoba, not exceeding twenty-one persons, twelve of whom shall be Protestant and nine Roman Catholics, who shall hold office for three years, being however eligible for re-appointment, or if a lesser number be appointed the same relative proportion of Protestants and Catholics shall be observed, and until such appointment shall take place, the members of the present Board of Education shall continue in office, and any vacancy occurring in such council from any cause shall from time to time be filled by the Lieutenant-Governor in Council.

II. The said Council, so soon as reorganized under this Act, shall resolve itself into two committees or sections, the one consisting of the Protestant and the other of the Roman Catholic members thereof, and the matters and things which by law belong to the said Council shall be referred to the said committees respectively, and in such manner and form as the same may be now defined by law, or as shall from time to time be determined by the Lieutenant-Governor in Council.

III. The quorum of the Council of Education thus reorganized shall consist of a majority of the members and each of the committees or sections of the same shall form its own quorum.

IV. Section four of the Act 36 Vict., chapter 22, intitled: An Act to amend the Act to establish a system of Education in this Province, is hereby repealed, and the following section substituted therefor, that is to say :

(1.) The sum appropriated by the Legislature for common school purposes shall be divided between the Protestant and Roman Catholic Sections of the Board in the manner hereinafter provided in proportion to the number of children between the ages of 5 and 16 residing in the several and respective School Districts of the Province—the number of such children in the Protestant and Catholic districts respectively being aggregated as regards each of said faiths.

V. Section twenty-three of the said Act is hereby amended as follows, that is to say : the words "Provincial-Secretary" are substituted for the words "Lieutenant-Governor" in the eighth line of the sub-section thereof, and the following words are added at the end of the said section, after the word completed, that is to say : .

" Provided always, that the census so to be forwarded as aforesaid to the Provincial Secretary by the Secretary-Treasurer of the several Boards of School Trustees in this Province, shall be verified by the Secretary-Treasurer and at least one of such Trustees, under oath made before a justice of the peace for the county within which such school of which they are trustees is situate."

VI. The Secretary-Treasurer and teacher of each school in this Province receiving public aid shall, on or before the tenth day of August in each year, transmit to the Provincial Secretary and to the superintendent of schools for the section of the Board of Education to which such school belongs, a correct statement verified by the Secretary Treasurer and teacher under oath made before a justice of the peace for the county within which the

school is situate, of the names of the children attending such school, with their respective ages, and distinguishing between the sexes ; together with the average attendance during the twelve next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open.

VII. The Provincial Treasurer for the time being, and one other member of the Executive Council, to be named and selected by the Lieutenant-Governor by a letter missive under his hand and seal, shall constitute a Board for the apportionment of the Legislative grant between the Protestant and Catholic sections of the Board of Education, and shall apportion annually on or before the first day of December in each year, all moneys granted by the Legislature for the support of schools in the Province, between the Protestant and Catholic School sections of the Board of Education, according to the aggregate number of children, being respectively Protestant and Catholic, between the ages of five and sixteen, which shall be found from the census aforesaid to be residing within all the school districts existing in said Province.

Provided always that the selection of a member of the Executive Council to act as a member of the Board, for the apportionment of the school moneys hereby created, shall always be so made, or from time to time changed by the Lieutenant-Governor as to secure that one member of said Board shall be of the Protestant and one of the Catholic persuasion.

VIII. If the census or returns upon which such apportionment is at any time to be made, or any of them, be defective in respect of any school district, the said Board shall have power to require the School Trustees to amend and correct the same, and to supply to the Board any additional information required for them to correct the same ; and should the said trustees fail, on such requisition, to correct the same, and the census as regards any school district is so defective as to render it impracticable to ascertain therefrom the number of children between the said ages in the said district, and the number in attendance on the school, the Board shall, as regards the said district, in comparing and adjusting the same with the total number of

children between the said ages residing in the Province, and in ascertaining the share of school moneys which ought to be apportioned between the Protestant and Catholic sections of the Board of Education, make such apportionment according to the ratio respecting such school section by the best evidence in their power or which they can obtain, and in such manner as to apportion the same most fairly and equitably; after such apportionment shall have been made by the Board of the amount accruing respectively in accordance with the rules hereinbefore established, to the Protestant and Catholic sections of the said Board of Education respectively, the sums accruing to each thereof, may be paid to the said sections, by two semi-annual payments, under two accountable warrants to the Provincial Treasurer to be issued by the Lieutenant-Governor in Council, and the Superintendent of each section shall deposit the proceeds of the same in such bank as the Lieutenant-Governor in Council may direct, and the said sections of the said Board of Education shall respectively apportion the same in the same manner hereinafter provided among the school districts under the control of each of said section of the Board of Education, and shall pay the same to the trustees of the several schools they represent by checks drawn upon such bank, and made payable to their order, and the said Superintendent shall account therefor to the Provincial Treasurer, once in each year, on or before the first day of January in each year.

IX. After such apportionment as aforesaid by the said Board, of the school moneys accruing to the Protestant and Catholic sections of the said Board of Education, and the payment in moneys aforesaid to them of the proceeds of such apportionment, the said sections shall respectively apportion to the school districts under their supervision their respective portions of the said fund; and after the allotment to each school of the sum of \$80, which school has been maintained in operation for the previous six months, the residue of such apportionment among the said school divisions shall be made upon the basis of the sworn returns provided to be made by this Act, according to the ratio of the average attendance of pupils at each such school (the mean attendance of pupils for each year being taken), as compared with the whole average number of pupils

attending the schools under the control of said section of the Board of Education ; but they shall apportion no moneys to any school District where trustees have neglected to transmit their returns of average attendance for the last preceding year, or to correct the same if found defective by the board of apportionment, and by them required to correct or supplement the same.

X. The following sub-section (4) shall be added to section forty-nine of the said Act, that is to say :

“ To keep a true and faithful daily register of the attendance of scholars at the school,” for which purpose the board of education shall supply each school with a register.

XI. If any trustee of a school, or other person, knowingly signs a false report, or if any teacher of a common school keeps a false school register, or makes a false return with a view of obtaining a larger sum than the just proportion of school monies coming to such school, such trustee or teacher shall for each offence forfeit to the school fund of the District to which he belongs the sum of twenty dollars, and shall be liable to imprisonment in the common gaol for not exceeding three months, and he may be prosecuted therefor before any justice of the peace, who may convict the offender on the oath of one credible witness other than the prosecutor, and if upon conviction the penalty is not paid forthwith, the same shall, under warrant of such justice, be levied with costs of distress and sale of the goods and chattels of the offender, and such penalty when so paid and collected, shall by such justice be paid over to the school fund of the District to which such school belongs.

XII. The following words shall be inserted in the 43rd section of the said Act, between the words “Court” and “but” in the 6th line thereof, and shall form part of said section, that is to say : “or before two justices of the peace of the county,” and the following sub-section shall be added to the said section : (1.) The said justices may after judgment cause the amount of the judgment, together with the costs thereof, to be levied under warrant by the seizure and sale of the goods and chattels of the defendant, such seizure and sale to be effected by the secretary-treasurer who shall for that

purpose have and execute the power of sheriff and who shall be entitled for such services, to the same fees as the said officer.

XIII. Every father, head of a family, or guardian, who refuses to give to the trustees of any school district the information required by them to enable them to make up the census of children required by this Act and the Act hereby amended, or who makes a false declaration, shall incur a penalty of not less than five nor more than twenty-five dollars, to be prosecuted for before any justice of the peace of the county, who shall have power to impose such penalty, and to cause the payment of the same to be enforced by warrant and distraint against the goods and chattels of the offender.

XIV. The board of education or any section thereof, may when ever it shall be deemed expedient, appoint and hold a meeting of such board or section in any county of the Province and such meeting shall be as valid as if held in the City of Winnipeg which shall be the usual place of the meeting of such board or section.

XV. The board of education shall meet on first Thursday in March, June, September and December and oftener if the Superintendents think necessary.

XVI. Any member of the board of education absenting himself from meetings of the sections or whole board for six months unless from sickness, or absence from the Province, shall be considered to have *ipso facto* resigned his position, and the Superintendent of the section to which he belongs shall notify the Provincial Secretary of the vacancy so caused.

XVII. When the Lieutenant-Governor in Council sanctions the erection of School Districts, a day shall also be named for the election of trustees.

XVIII. In the case of those Districts in which from any cause the annual school meeting has not been held on the first Monday in February, the Superintendent of the section to which the District belongs shall appoint another day for the holding of such meeting.

XIX. Any school not conducted according to all the

provisions of this or any other Act in force for the time being upon the matter of public or separate schools shall not be deemed a public or separate school within the meaning of the law, such school shall not participate in the Legislative grant.

XX. The 17th section of 34 Vict. cap. 12 is hereby amended by striking out the word fifteen and supplying in its place the word ten.

XXI. For school districts within a municipality, it shall not be necessary for the trustees to assess their school district, but on application to the clerk of the municipality he shall furnish the Secretary-Treasurer of the school district with a copy of so much of the assessment roll of the property as is contained within the school district and on that assessment the school trustees shall levy the school rate.

XXII. That the word ratepayer shall be inserted instead of the words male inhabitants in the first line of section 15 of the amended School Act.

XXIII. Any trustee or Secretary-Treasurer neglecting or refusing to discharge any duty assigned to him by this Act or the amended Act, shall be liable to a penalty for each offence of ten dollars to be recovered before any justice of the peace having competent jurisdiction on prosecution brought by any ratepayer in the school district within six months from the date when the offence was committed and shall belong half to the complainant and half to the school district fund, in default of the immediate payment of the fine and the costs the person condemned may be imprisoned for any time not exceeding one month.

XXIV. The school trustees are hereby constituted a court of revision for hearing and deciding any complaints that may be made against any assessment, and any person or persons not satisfied with the decision arrived at by said court of revision, which shall sit at any time decided on by the Board of trustees after eight days notice given by posters in three public places of the district by the Secretary-Treasurer, shall have the right to appeal as provided in section 23 of the amended Act of 1873.

XXV. That the words "by furnishing them with a written notice," in the sixth line of section 18 of the amended School Act of 1873 be struck out.

XXVI. That the words "within eight days," be inserted between "met" and "after" in the first and second lines of section 37 of the amended School Act of 1873.

XXVII. The Protestant section of the Board of Education shall have power to establish school districts for Protestants, and the Catholic section shall have the same power with regard to Catholics: the establishment of a school district of one denomination shall not prevent the establishment of a school district of the other denomination in the same place: a protestant and a catholic district may include the same territory in whole or in part, but the ratepayers including religious, benevolent and educational corporation shall be obliged to pay their assessments to the schools of their respective denominations.

XXVIII. Whenever the words "Dissentent" or "separate school" occur in any clause or provision of the said Act, the said clauses or provisions are hereby amended so as to replace the said words by the following, "Protestant or Catholic school as the case may be" and whenever the words "Regular Districts" occur in any clause or provision of the said Act, the said clauses or provisions are hereby amended so as to replace the said words by the following, "Protestant or Catholic district," as the case may be.

XXIX. The ninth clause of the 36 Vict. cap. 22 is hereby repealed and the following substituted the corporation situated in a locality where different school districts are established shall be assessed only by the trustees of the school district of the majority yet out of such assessment, they shall give to the trustees of the school district of the minority a part of such assessment in proportion to the number of children of the same locality; and the majority shall be determined by the number of Protestant or Catholic children as the case may be, according to the census.

CAP. I.

An Act to amend the School Acts of Manitoba, so as to meet the special requirements of incorporated Cities and Towns.

[Assented to 4th February, 1876.]

WHEREAS it is necessary to amend the Acts of Manitoba relating to Education in certain respects with regard to the City of Winnipeg and any other city or town that may hereafter be incorporated; therefore,

HER MAJESTY, by and with the advice and consent of the Legislative Council and Legislative Assembly of Manitoba, enacts as follows:

I. In the City of Winnipeg and in any other city or town divided into wards, there shall be elected, on a day to be named by the Lieutenant-Governor in Council three school trustees for each ward to be elected by the ratepayers of such ward, and such trustees shall be the trustees of the school district; provided that the minority being Roman Catholic or Protestant ratepayers, as the case may be, shall be at liberty to have one, two or three school trustees from each ward, as may be agreed upon at an annual school meeting, or a special meeting of the ratepayers of such minority called for that purpose, or to elect three trustees as provided in 36 Vic., cap. 22, and the trustees so in any wise elected shall be the trustees of such district.

II. The school district of any city or town shall be the same as the territorial limits of said city or town; Provided always that the minority may have power to extend their district so as to include members of their denomination residing in the vicinity, but in such cases the children of residents within the city limits only, shall be computed in the division of school taxes levied on incorporated bodies within the city.

III. Excepting where the minority avail themselves of clause 1, the first meeting for the election of school trustees under this Act shall be called by the Superintendent of Education of the section of the majority or minority, as the case may be; all subsequent annual meetings shall be held on the first Monday in February in every year, commencing at 10 o'clock in the forenoon, and shall be called by the Chairmen of the respective Boards of school trustees.

IV. The annual meeting for the election of school trustees shall be held in each ward, and the chairman elected by the majority of the ratepayers present, shall be the returning-officer for the ward, who shall, within eight days after, report the proceedings thereat to the Superintendent of Education of his own section, and transmit to him a list of the persons elected thereat as school trustees under a penalty of five dollars.

V. At the first election of school trustees under this Act, the first person nominated and having the majority of votes in each ward, shall continue in office for two years, to be reckoned from the annual meeting next after his election and until his successor has been elected; the second person elected in each ward shall continue in office one year to be reckoned from the same period and until his successor has been elected.

The third or last person nominated or elected, as the case may be, in each ward shall continue in office until the next ensuing annual school meeting and until his successor has been elected.

Except as above, the time of office as school trustees shall be three years.

VI. The persons who compose the present Board of schools trustees for the City of Winnipeg shall be permitted to serve out their present terms respectively, in the wards in which they respectively reside, in the same manner and for the same period as if they had been elected under this Act.

VII. No person shall be entitled to vote at any school meeting for the election of school trustees or on any school question whatsoever unless he shall have been assessed and shall have paid school rates in the ward in which he resides, within the last twelve

months; and in case an objection be made to the right of any person to vote in a ward, the chairman or returning-officer at the election shall, at the request of any elector present, require the person whose right of voting is objected to, to make the following declaration:

“ I, A. B., do declare and affirm that I have been rated on the assessment roll of this school district, and that I have paid a public school tax in this ward within the last twelve months, and that I am legally qualified to vote at this election.” Thereupon the person making such declaration shall be permitted to vote.

VIII. If any person wilfully makes a false declaration of his right to vote, he shall be liable to a penalty of not less than five nor more than ten dollars to be used for and recovered with costs by the school trustees or any elector of the ward in which such false declaration was made, and in case of default or payment be liable to imprisonment during a period of not more than thirty days; and the fine shall be paid over to the trustees for educational purposes.

IX. Every person elected as school trustee—and such person must be an elector in the school district—shall, within ten days after his election, or in case of absence from the District at the time of the election, as soon as possible on his return, or if such person be absent from at the time of the election, within ten days after his return make the following declaration before the chairman of the school meeting at which he was elected:

“ I will truly and faithfully, to the best of my judgment and ability, discharge the duties of the office of school trustee to which I have been elected.”

X. Any person chosen as trustee may resign with the consent expressed in writing of his colleagues in office, and a continuous non-residence of six months from the school district shall cause the vacation of his office, and any person chosen as trustee who refuses to serve shall forfeit the sum of ten dollars, and every person so chosen who has not refused to accept office, and who at any time refuses or neglects to perform the duties shall forfeit the sum of twenty dollars, to be sued for and recovered before any Justice of the Peace

by the Board of school trustees of the school district, such fine to be used for educational purposes.

XI. Any person elected to fill an occasional vacancy, on the Board of school trustees, shall hold office only for the unexpired term of the person in whose place he is elected to serve, and whenever such vacancy occurs the chairman of the Board of school trustees shall call the meeting for the new election.

XII. Any retiring school trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for the four years next after leaving office.

XIII. It shall be the duty of any judge of the Court of Queen's Bench of this Province, or any Stipendiary Magistrate of a city or town, to investigate and decide any complaints, which may be made, in the manner provided by the Statute in that behalf, in regard to the election of any school trustee, or in regard to any proceedings at school meetings: Provided always that no complaints in regard to any election or proceeding at a school meeting, shall be entertained unless made in writing within twenty days after the holding of such election or meeting. The costs and expenses of any such investigation shall be paid by the parties concerned in it as such judge or magistrate may decide.

XIV. The school trustees for each city and town under the name of the Board of school trustees of the city or town of _____ shall be a corporate body in relation to all the powers and duties conferred upon it by this or any former Acts; they shall have perpetual succession and a common seal, and shall succeed to all the corporate rights and powers and shall be subject to all the corporate obligations and liabilities of the respective preceding Boards of school trustees, and they are hereby authorized:

1. To appoint the time and place for their meetings;

2. To elect annually or oftener from amongst themselves, a chairman who shall have the right to vote at

all times and in case of an equality of votes, the question shall be decided in the negative ;

3. To take possession of and hold in trust as a corporation all property acquired or given for common school purposes, in the school district by any title whatsoever ;

4. To manage and dispose of common school property, and all monies or income for common school purposes and to apply the same or the proceeds to the object or objects for which they have been given ; Provided always, that no real estate above the value of five hundred dollars shall be alienated or disposed of, without the special sanction of the majority of the ratepayers as obtained at a special meeting called for that purpose, of which at least ten days' notice shall be given by the chairman of the Board of school trustees ;

5. To do whatever they may judge expedient for the purchasing or renting of school sites or school-houses and premises, and for building, repairing, furnishing, warming and keeping in order the school-houses and appendages, lands, enclosures and moveable property ;

6. To procure suitable apparatus and authorized text books, and for the establishing and maintaining of school libraries ;

7. To determine the number and sites, and kinds and description of school-houses to be established, or maintained in the city or town, the teacher or teachers to be employed, the terms of employing them, the amount of their remuneration and the duties which, in accordance with the school laws and the by-laws of the sectional Board, they are to perform ; Provided that all plans and specifications for school-houses shall be submitted to and receive the approval of the section of the Board of Education under which the schools are carried on ;

8. To appoint a city or town inspector, to fix the remuneration to be paid him, and to determine his duties ;

9. To appoint an assessor and collector, to define

their duties, and determine the amount to be paid them ;

10. To appoint one of their own number or some other person, as the majority of the Board may decide, to be their Secretary-Treasurer, and to determine the amount of salary to be paid such officer, to impose by by-law such additional duties, as may be required by the Board of school trustees ; and he shall be subject to the same duties, obligations and penalties as are imposed by the School Acts of Manitoba ;

11. To levy at their discretion any school rates upon the parents or guardians of children attending the schools of the city, such rates not to exceed fifty cents per month on resident pupils, or pupils whose parents or guardians own property in the city or town ; and not more than one dollar per month on non-resident pupil or pupils whose parents or guardians live outside of such city or town and are not the owners of property therein : and to employ the same means of collecting such rates, as by the city collector are possessed for the collection of property tax, and all school rates collected shall be paid into the hands of the Secretary-Treasurer for public school purposes, and subject to the disposal of the Board of school trustees ;

12. To prepare, from time to time, and lay before the municipal council of the city or town, an estimate of the sum or sums required for school purposes for the year ; and the said council shall provide such sum or sums in the manner desired by the Board of school trustees ;

Provided, always, that the trustees of the Protestant or Catholic school in any city or town, if such, there shall also be a corporation under the name of the Board of Protestant or Catholic school trustees (as the case may be), of the city or town of _____ and shall possess and enjoy all the powers by this clause conferred on the Board of the school trustees as aforesaid.

XV. In case the Boards of school trustees of cities and towns deem it advisable so to do, they may make out an estimate of the sum required in any year for educational purposes, and on or before the first day of March in each and every year they shall provide the clerk of

the city or town with such estimate, accompanied with a list of the names of the persons liable to be assessed for the support of the public school or schools of which the Board applying are the trustees, and it shall be the duty of the council of such city or town to levy and collect the amount demanded with the corporation taxes and to pay over the same to the Boards of school trustees, when collected, or the council may, from time to time advance to the Boards of schools trustees within their municipality, any sum or sums which they may think proper, pending the collection of the school taxes : Provided that nothing in this Act shall prevent the Boards of school trustees from levying and collecting the school rates and taxes themselves, if they should think proper so to do.

XVI. The Board of school trustees of the city or town or their Secretary-Treasurer shall have at all times during office hours, free access to the assessment roll of the municipality and they shall be permitted to copy therefrom that portion of it having reference to their respective school districts, together with the names and amount for which each individual is assessed.

XVII. It shall be the duty of the Boards of school trustees to see that all the schools under their charge are properly supplied with authorized text books and that they are conducted according to the authorized regulations, and at the close of each year to prepare and publish in one or more public newspapers, or on printed sheets, for the information of the ratepayers of the city or town, an annual report of the proceedings, and of the progress and state of the schools under their charge, and of the receipts and expenditures of all school monies, and to make all returns required by the Board of Education for the Province, or the sectional Board under whose jurisdiction the schools are.

XVIII. The trustees may respectively appoint a fit and proper person to act as collector of school rates and school taxes, and to pay such collector not more than five per cent. on the monies collected by him. Such collector shall give satisfactory security to the boards of school trustees ; he shall have the same powers in the collection of school taxes that the collector of the city

or town possesses for the collection of municipal taxes, and all moneys collected by him shall, on demand, be paid over into the hands of the Secretary-Treasurer of the Board of school trustees for public school purposes.

XIX. The trustees of cities and towns shall, respectively, with the approval of the section of the Board of Education concerned, have power to appoint a fit and proper person to be Inspector of all public schools within the jurisdiction of the Board of trustees appointing him, who shall by frequent visits to the schools and in every other way do all in his power to improve their character and efficiency. Such inspector shall report quarterly to the trustees, who shall transmit a copy of all such reports to the Superintendent of the section having jurisdiction over such schools: Provided always that such Inspector be a graduate of an University, or the holder of a first-class certificate.

XX. The Board of school trustees shall each have power to borrow money for the purchase of school lands, or the erection of school buildings or other school purposes in the manner hereinafter provided.

XXI. To enable such Board to borrow money, the respective Boards of schools trustees shall have power to issue debentures in the form given in Schedule A to this Act, for such sums as may be decided upon at an annual school meeting or a special meeting of the rate-payers represented by any such Board called for that purpose, redeemable within twenty-one years from the date thereof, with interest not exceeding eight per cent. per annum, payable yearly, which debentures shall be a charge upon the school district, and the interest on them shall be the first charge on the annual school taxes, and each Board of school trustees shall make provision out of the annual school taxes for the formation of a sinking fund for the repayment of said debentures. They shall be sealed with the corporate seal of the Board of school trustees and signed by the chairman and countersigned by the Secretary-Treasurer. Provided that the whole amount of such debentures shall not exceed the sum of \$20,000 for the Board of the school trustees of the majority, nor the sum of \$10,000 for the Board of the school trustees of the minority.

XXII. It shall be the duty of every teacher in a city or town :

1. To teach diligently and faithfully all the branches required to be taught in the schools according to the terms of his engagement with the school trustees and in accordance with the provisions of the School Acts of Manitoba, (or any by-laws and regulations issued under the same) ;

2. To keep in the prescribed form the general entrance and daily class or other registers of the school ;

3. To maintain proper order and discipline in his school ;

4. To keep a visitors' book (which the trustees shall provide), and enter therein the visits made to his school, and to present said book to every visitor and request him to make therein any remarks suggested by his visit ;

5. To give the trustees and visitors access at all times, when desired by them, to the register's and visitors' book appertaining to the school ;

6. To deliver up any school register, visitors' book, school-house key, or other school property, in his possession, on the demand or order of the board of school trustees employing him ;

7. To have at the end of every half year at least, a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school district, and through the pupils to their parents or guardians ;

8. To furnish to his Superintendent, or to the Inspector of schools concerned, any information which it may be in his power to give respecting anything connected with the operations of his school or in any wise affecting its interest or character.

XXIII. No teacher of a public school shall hold the position of inspector or school trustees while engaged teaching.

XXIV. In case of any difference between school trustees and teacher in regard to his salary or the sum due him or claimed to be due or any other matter connected with his duty, the same shall be submitted to arbitration, in which case each party shall choose an arbitrator.

XXV. In case either party of the first instance neglects or refuses to appoint an arbitrator on his behalf, the party requiring the arbitration may, by notice in writing, to be served upon the party so neglecting or refusing, require the last named, within three days exclusive of the day of service of such notice, to appoint an arbitrator on his behalf; and such notice shall name the arbitrator of the party requiring the arbitration; and in case the party served with such notice does not within the three days mentioned therein name and appoint an arbitrator, then the party requiring the arbitration may appoint the second arbitrator.

XXVI. The sectional Superintendent or a member of the sectional board to be nominated by such Superintendent, shall be the third arbitrator.

XXVII. The arbitrators may require the attendance of any or all the parties interested in the reference, and of their witnesses, with all such books, papers and writings, bearing on the matter in question as such arbitrators may direct them or any of them to produce, and the arbitrators may take evidence on oath.

XXVIII. The said arbitrators or any two of them may issue their warrant to any person named therein, to enforce the collection of any monies by them awarded to be paid, and the person named in such warrant shall have the same power and authority to enforce the collection of the monies mentioned in the said warrant with all reasonable costs, by seizure and sale of the property of the party or corporation against whom the same has issued, as any bailiff of a County Court has in enforcing a judgment and execution issued out of such court.

XXIX. In case of any dispute or difference arising between any two Boards of school trustees in any city or town, in regard to any sum of money due or claimed

to be due under any Acts of the Province of Manitoba, the same shall be referred to arbitration in the manner hereinbefore provided : And provided always, that in differences between any two Boards of school trustees the third arbitrator shall be chosen by the other two, and the decision of such three arbitrators shall be final.

XXX. Authorized visitors under this Act shall be the same as provided for in 36 Vic, cap. 22.

XXXI. A general meeting of the visitors may be held at any time or place appointed by any two visitors, on sufficient notice being given to the other visitors, and the visitors thus assembled may devise such means as they may deem expedient for the efficient visitation of the schools and in concert with the school authorities for promoting the establishment of libraries and the diffusion of useful knowledge.

XXXII. All agreements between trustees and teachers, to be valid and binding, shall be in writing and signed by the teacher and the chairman of the Board of school trustees employing him, and sealed with the corporate seal of the trustees.

1. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness for a period not exceeding four weeks for the entire year, which period may be increased by the Board of school trustees : Provided that such teacher, may, with the sanction of the Board of school trustees, employ a legally qualified person to supply his place during his sickness.

XXXIII. Every Saturday shall be a holiday in the public schools.

XXXIV. There may be three vacations during the year, the summer vacation from 15th day of July to the 1st September, inclusive ; the Christmas vacation consisting of ten days from 24th December inclusive ; and the Easter vacation consisting of one week from the Thursday before Easter, included.

XXXV. Any person who wilfully disturbs, inter-

rupts or disquiets the proceedings of any school meeting, or any one who interrupts or disturb any public school by rude or indecent behavior, or by making a noise either within the place where such school is kept, or held, or so near thereto as to disturb the order or exercises of the school, shall for each offence, on conviction thereof before a Justice of the Peace, forfeit and pay for common school purposes a sum not exceeding twenty dollars, together with the costs of the conviction, as the said Justice may think fit.

XXXVI. Every Board of school trustees of cities and towns may, with the sanction of their section of the Board of Education, make, amend or revoke any by-laws for their school district for all or any of the following purposes :

1. Requiring the parents or guardians of children of not less than seven nor more than twelve years of age, as may be fixed by by-law, to send such children to school for a certain period in each year, unless sufficient evidence be produced by such parents or guardians, that they cannot do so, or that such children are being otherwise educated.

A. Any of the following shall be considered a reasonable excuse :

(a.) That the child is under instruction in some other manner satisfactory to the magistrate before whom the complaint may be brought ;

(b.) That the child has been prevented from attending school by sickness or any unavoidable cause ;

(c.) That such child has reached a standard of education of the same or greater degree than that to be obtained in such public school ;

2. Determining the time during which such children are to attend school ;

3. Imposing penalties upon parents or guardians for the breach of any by-laws, thus :

A. Admonition in the form of a note of warning

signed by the chairman of the Board of school trustees ;

B. Summons to appear before the Board of school trustees, and to receive reprimand from the chairman, if merited ;

C. Complaints by the Board of school trustees to any Justice of the Peace of the district, who may impose a fine not exceeding twenty-five cents for the first offence, fifty cents for the second, and so on, doubling the last fine for any repetition of the offence.

XXXVII. It shall be competent for any stipendiary magistrate having jurisdiction in this Province or for any other magistrate, if there be no stipendiary magistrate to investigate and decide upon any complaint made by the justices or any person authorized by them against any parent or guardian for the violation of any such by-law, as is by this section provided may be enacted, and it shall be the duty of the stipendiary magistrate or any magistrate to ascertain as far as may be the circumstances of any party complained of for not sending his or her child to school or otherwise educating him or them, and whether the alleged violation has been caused by poverty or ill health, and in any such case the magistrate shall not award punishment but shall report the circumstances to the justices making the complaint.

XXXVIII. Should the trustees of any public school wilfully neglect or refuse to exercise all the corporate powers vested in them by this Act, or any other Act or Acts of the Province, for the fulfilment of any contract or agreement made by them, any trustee or trustees so neglecting or refusing to exercise such powers, shall be held to be personally responsible for the fulfilment of such contract or agreement.

XXXIX. In cities or towns where two Boards of school trustees exist under the School Acts of Manitoba the property owned and possessed by Protestants shall be taxed for the support of Protestant schools only, and property owned and possessed by Roman Catholics shall be taxed for the support of Roman Catholic schools only, and the property owned and pos-

sessed by persons who profess neither form of religion shall be assessed by the school trustees of the majority, yet out of such assessment they shall pay to the school trustees of the district of the minority a part of such assessment in proportion to the number of children of their denomination within the city limits, based on the last official census returns of said Boards: Provided always that section 9 of the Act 36 Vic., cap. 22, shall be construed as forming part hereof and shall apply to school trustees of cities and towns.

XL. When property owned by a Protestant is occupied by a Roman Catholic and *vice versa*, the tenant in such cases shall only be assessed for the amount of property he owns, whether real or personal, but the school taxes on said rented or leased property shall, in all cases, and whether or not the same has been or is stipulated in any deed, contract or lease whatsoever, be paid to the trustees of the section to which belongs the owner of the property so leased or rented, and to no other.

XLI. Whenever property is held jointly as tenants or as tenants in common, by two or more persons, the holders of such property being Protestant and Roman Catholic, as the case may be, they shall be assessed and held accountable to the two Boards of school trustees for the amount of taxes, in proportion to their interest in the business, tenancy or partnership respectively, and such taxes paid to the school of the denomination to which they respectively belong.

XLII. Previous to the first day of August in each year, the Board of school trustees in cities and towns shall cause to be made, a list of the names of all persons in their district in arrear for school taxes, the amount due by them, distinguishing the amount due on real and personal property, the lot or lots on which such taxes are due; and if such taxes remain unpaid, it shall be the duty of the said Board of school trustees on or previous to the last day of August in each year to register the said lots with the amount due on real estate only, in the registry office of the county in which such lands are situated, by filing a copy of the tax list after which such taxes shall become a first lien or mortgage on the lot or lots on which they are respec-

tively due and payable ; and any sale of such property or transfer made thereafter shall be subject to such taxes.

XLIII. The 24th section of 36 Vic. cap. 22 is hereby amended by adding the words, " or in cities and towns such sum as may be decided on by the electors present at any annual or special meeting and not to exceed in any one year the sum of ten thousand dollars (\$10,000) for the Board of the school trustees of the majority, nor the sum of five thousand dollars (\$5,000) for the Board of school trustees of the minority : Provided always, that each Board shall annually, in the month of January submit a statement of their receipts and expenditures for the year just expired.

XLIV. All Acts or provisions of Acts inconsistent with this Act are hereby repealed.

XLV. This Act shall be deemed a public Act, and shall be held and taken to form one with the several Acts of the Legislature of Manitoba, establishing a system of Education in this Province and amending the same.

SCHEDULE A.

FORM OF SCHOOL DEBENTURE.

PROVINCE OF MANITOBA.

Debenture of school district of the city or town of _____
 for school loan _____ The Board
 of school trustees of the school district of the city (or
 town) of _____ promise to pay to bearer at
 the _____ Bank at _____ the sum
 of _____ dollars, lawful money of Canada,
 _____ years from the date hereof, and to pay interest at
 the rate of _____ per cent per annum
 to the bearer of the annexed coupons, respectively upon
 the presentation thereof at the said Bank. Issued at
 this _____ day of _____
 18 _____ by virtue and under the authority of section
 of An Act of the Legislature of Manitoba passed in
 the _____ year of Her Majesty's reign, and chap-

tered and pursuant to by-law No of
 the said Board of school trustees passed on the
 day of 18 intituled a by-law to raise
 by way of loan the sum of dollars for the
 purpose therein mentioned.

A. B.,
 Chairman.

S. M.,
 Sec.-Treasurer.

COUPON No.

The Board of the school trustees
 of the city (or town) of
 will pay the bearer at the
 Bank at day of
 18 the sum of
 dollars, interest due on that day on
 school debenture No.

S. M.,
 Secretary-Treasurer.

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N. B.—All clauses of Cap. 1, 39 Vict., only apply to incorporated Cities and Towns.

